

Town of Nolensville
Planning Commission Meeting
Regular Meeting
October 12, 2006
7:00 P.M.
At Nolensville Elementary School

Members in attendance were as follows: Matt Happel, Jimmy Alexander, Larry Gardner, Frank Wilson, Bob Haines, Rick Owens and Debbie Riddle. Staff present was Henry Laird, Richard Woodroof, Bob Notestine, and Cindy Lancaster.

Agenda Item I- Meeting called to order by Frank Wilson

Agenda Item II- Pledge of Allegiance

Agenda Item III- Approval of Minutes

Motion made by Larry Gardner to amend meeting minutes of September 14, 2006.

Motion seconded by Frank Wilson.

The motion passed unanimously.

Agenda Item V, B., 2 should read "...standards as Appendix E."

Agenda Item V, A., 2 (top of page 2) should read "...preservation buffer located..."

Agenda Item V, B., 2 (top of page 3) should read "...standards as Appendix E."

Motion made by Larry Gardner to approve minutes as amended.

Motion seconded by Jimmy Alexander.

Motion passed unanimously.

Agenda Item IV- Citizens Comments

- A. Beth Weaver Lothers-304 Walpole Court-addressed flag ordinance. Noted there has been a history with property concerning pink flags being flown. Unfortunately the issue has evolved into an issue concerning American Flags and the Town of Nolensville has been incorrectly represented in the media as being unpatriotic. The flag not only represents freedom but represents honoring the law. I propose that the code be reassessed in order to allow the Flag to be flown respectfully and safely. When you step back and look at this business it does look good. In representing this change I am in no way being critical of Town Hall staff. I ask for your consideration in these changes.
- B. Aubrey Short-803 Rockwood Dr-I was an original member of the committee that voted to incorporate Nolensville.
In 1952 I joined the U. S. Marine Corps. I stood proudly at the Parade Ground on Parris Island on September 5th, 1952 and witnessed the first dedication to the Iwo Jima memorial which memorializes my comrades who died raising that American Flag. They raised one American Flag not ten.
In March or April of this year I noticed Tant's Nursey flying pink flags. I later found out that there was a controversy concerning the flying of those pink flags because she was in violation of the sign ordinance. I later found out that she was ceremoniously draping herself in the American Flag that 6,000 of my buddies died to defend. I resent that this business had brought disgrace and controversy to my community under the guise of patriotism. I believe that we have a good sign ordinance and should not change it.

A. Town of Nolensville Transportation Infrastructure Cost Study

Florence & Hutcheson Overview of Study

Presenting study are Project Manager John Storey and Stan King

Purpose of study is to determine what would happen if full development occurred within the urban growth boundaries (UGB) as far as roadway needs.

We utilized traffic impact studies from TDOT and, in some cases, police radar guns to determine the level of service that roadways currently experience.

For the most part Nolensville has a good level of service grade "C" with an average network speed of about 34 mph. This is the base condition.

To proceed we needed to project growth throughout the urban growth boundaries.

We removed areas that were already developed or would not likely to be developed.

Current Nolensville zoning was taken into consideration.

Potential of 7800 new homes within UGB if full development occurred.

We projected the impact of the traffic from these new homes with no development of roadways

We then overlaid the roadways with changes to improve roadway conditions to about the level that they currently experience, with a total network speed of about 30mph.

We are recommending that Kidd Road, Rocky Fork Road, York Road, Sunset a portion

Clovercroft and portion Sam Donald ultimately be increased to three lane roadways.

Three lane roadways provide for a continuous left turn lane, can handle a lot of volume and still have a residential feel.

TDOT has a standard cross section for three lane roadways that incorporates a 6ft shoulder.

The benefit of a six foot shoulder is that you can stripe four feet of that for a bike/pedestrian lane.

There is currently a study by TDOT that recommends widening Nolensville Road to 2 travel lanes in each direction.

It is currently in the long range transportation plan for 2025.

You will likely need improvements along Nolensville Rd. before then.

We recommend signalizing intersection and turn lanes as an interim fix until TDOT comes through and widens Nolensville.

We recommend signalized intersections at Rocky Fork and Fly Road and Kidd Rd. and Fly Rd and also Clovercroft.

We are also recommending two lane improvements on Brittan Lane, Waller Road and Clovercroft

West of where we are recommending 4 lane improvements. We are recommending 4 foot

shoulders which will allow for bike lanes and pedestrian lanes.

With these 4 lane improvements we also consider the cost to bridge Mill Creek.

We calculated the cost of all of these improvements and divided that amount by the new homes built in the area. The projected cost of all the improvements recommended by our study divided by the number of new homes is \$3000 per new household.

John Storey opened the floor up for questions.

Rick Owens- Does the study indicate which areas will need attention sooner rather than later?

John Storey- The study grades each road according to existing conditions and the grade of a roadway can indicate that it will need attention soon. For example Sunset is currently a D road which indicates that it needs attention soon. The study does not however predict which roads will need improvements beyond the current grade that they have been given. We took the entire

UGB and took it directly from current conditions to its ultimate capacity. Our study is unable to predict what areas will be built out to capacity first.

Matt Happel-Did you base your studies on Old Clovercroft or New Clovercroft?

John Storey-Existing level of service combines Old diverted over to New Clovercroft. We recommend improvements to Old Clovercroft to enforce the striping already in place which attempts to divert traffic to new Clovercroft.

With the Rocky Fork realignment that we are trying to get in how will that impact service at New Clovercroft and Rocky Fork Road?

John Storey-With improvements in the future we put that intersections level of service at a C.

Jimmy Alexander-Most of the members of the commission are at a disadvantage because they do not have a copy of the report.

Henry Laird stated that copies of the report would be made available for comments at the next meeting.

John Storey-Also can make PDF copies available. Also, we can provide summary or primary report.

B. Debbie Riddle introduced as new Planning Commission member

C. Subdivision Reviews

1. Bent Creek Phase 5 Final Plat

Richard Woodroof noted 56 lots in this phase, 11,566 is the largest lot size. Smallest lot size is 6500.

Staff recommendation is that we approve this phase of the development with a performance bond of \$342,000.

Jimmy Alexander made a motion to approve with \$342,000 performance bond.

Debbie Riddle seconded the motion

Motion approved unanimously.

Matt Happel asked for an updated copy of the key map.

Richard Woodroof said he would get that to them.

Bob Haines noted he was on the BZA and there is an issue that is consistently coming up. They ask for variances for decks to be built outside the building envelope. I propose that the following statements be attached to any construction documents issued in the future.

"To avoid misinterpretation it shall be understood that the term "front façade" shall be interpreted to mean the front plane of the building. Nolensville Zoning Ordinance reference 1.13.2 general terms defines "building envelope" as the area of the lot minus all required setbacks, easements and buffer yards on which a structure can be constructed according to the provisions of this ordinance. A "structure" is defined as anything constructed above or below ground including signs fences arbors and gazebos."

Matt Happel stated that in almost every city he has gone to they do consider decks as structures.

Asked that topic be placed on PC agenda

Jimmy Alexander said that he and Henry Laird will get together and review this.

Richard Woodroof said that the problem is that the definitions are different in Davidson, Williamson & other areas versus Nolensville.

Richard Woodroof suggested adding the three items to the building packet that goes to the builders. The builders do not see the plats so this would be the best way to get these three statements to the builders.

Bob Haines wants to know if they sign for it. Rich says they do not.
Bob Haines made a motion to add the three statements to the building packet
Jimmy Alexander seconded.
Motion passes unanimously.

2. Burkitt Place Revision Final Plat Phase 1A, Section 1&2

Jimmy Alexander made motion to approve.
Larry Gardner seconded.
No discussion.
Approved unanimously.

3. Brittan Downs Final PUD Plan

Richard Woodroof said BOMA approved 114 lots in January of 2006. Six conditions were placed on the approval. One of the conditions has shown up on final PUD plan.
The smallest lot size is 11,001 square feet and the largest is 30,419 square feet.

Jimmy Alexander asked if this matches the BOMA conditions.
Jimmy Alexander made motion to approve with BOMA conditions
Rick Owens seconded.

Larry Gardner questioned the procedure. He noted that guidelines were approved in October we adopted procedures in May.
Larry Gardner states that a concept plan has no vested rights and that is all we have seen up to now from Brittan Downs.

Bob Notestine states that his feeling is that when a developer gets into the area of having to meet conditions set by a body and is spending money to meet those conditions the developer is beginning to get into the vesting area. The standard that is looked at by the court is that if prior conditions were put in place and then they are changed, the commission could be accused of arbitrary and capricious behavior.

Tom White-representing developer- said that most planners understand that if your final comes in and is consistent with the concept plan the conditions have been met.

Larry Gardner-asked why there is no turn lane from Brittan Lane? I feel that there should be one at the entrance of Brittan Downs on Brittan Lane.

Mike Anderson-The impact study indicated that there was no turn lane warranted on Brittan Lane but there was a need on Nolensville Road. We have placed our turn lane on Nolensville Road.

Larry Gardner asked if Phase 1 on Brittan Lane and Phase 2 on Sunset will be connected?

Mike Anderson said not until Phase 3 is approved.

Matt Happel pointed out that Lot #1 is larger than others-is this because of the interlocal agreement?

Mike Anderson-No-it is just a model.

Matt Happel-asked about the condition of the chain link fence surrounding a graveyard.

Mike Anderson stated that the fence was in very good condition.

Matt Happel-asked for clarification on why tree removal is necessary on the east side of Mill Creek.

Mike Anderson stated that to prevent flooding at the entrance way, some material must be excavated to balance fill placed at the easement.

Matt Happel asked about park and sidewalk to school.

Mike Anderson mentioned that they had met with the school board and the school had no need for an adjoining property and are talking to property owner about purchasing.

Matt Happel asked if mulched walking trails could be paved.

Mike Anderson said that the concept was to leave the trails areas as natural as possible. We are willing to make the commitment of paving.

Rick Owens clarified that mulch could be replaced with pavement where possible.

Larry Gardner-Are you going to tell home buyers that they cannot have an irrigation system?

Mr. Yazdian-Yes

Larry Gardner-can we get 30' set backs on all of the lots.

Frank Wilson-that is not what BOMA approved.

Bob Notestine-I don't believe that the Planning Committee can override a legislative body.

Frank Wilson noted that he had a document from Attorney General stating the same.

Jimmy Alexander made motion to approve with BOMA conditions.

Rick Owens seconded.

Motion approved with BOMA conditions unanimously.

3 foot setback from garage from front façade on front loading garages.

Development must construct main entry road off Sunset Road and Brittan Lane to abate within 26 feet
Additional access easements outside of the fifty foot right of way will be required to cover the required sidewalk pavement

Development must provide professional maintenance responsibility at the cemetery through the homeowners association

Development must agree to setback garages facing thirty feet from right of way

Development agrees to provide side or rear loading garages on at least 30% of the building lots and specify these lots

Sidewalks completely around the cul de sacs

C. Zoning Amendments

1. Proposed amendment to Appendix A, Sign Regulation, removing limits on governmental flags.

Henry Laird explained this recommendation made by Alderman Weaver-Lothers and Mayor Dugger. He read the changes that were recommended.

Debbie Riddle made motion to approve the recommendations.

Rick Owens seconded.

Larry Gardner asked why we are changing this. I agree with Aubrey Short. I'd like to see the governmental flag portion remain as it is and review the banner portion

Jimmy Alexander- I agree with you and Aubrey Short.

Bob Haines-I do not feel comfortable changing this. If they were that concerned with the United States Flag they would maintain them properly.

Frank Wilson Stated when this was written our concern was commercialization versus patriotism.

Rick Owens-I understand the difference of opinion. I suggest we step back and review further.

Matt Happel would like to review the American Legion Proper Flag Etiquette Manual.

Larry Gardner-I would like to see this dropped and review the banner portion.

Debbie Riddle withdrew her motion.

Rick Owens withdrew his second.

No further action taken.

2. Amendment to add Recreation, Commercial, Indoor Use category to Village District

Henry Laird noted the proposed changes to the list for admitted uses 2.2.4 in the Village District. We would like to add "except that the following uses be excluded: bowling alley, pool/billiard hall, skating rink, swimming pool, tennis court, conference center, gymnasium as a commercial indoor recreational use."

Frank Wilson made a motion to accept the recommendation, Bob Haines seconded.

Frank Wilson asked if the change shouldn't be made in the definition section. The list for admitted uses is found on page 131 in book of codes.

Henry Laird clarified a number of these uses are permitted under a portion of the code but will be excluded within the Village District.

Bob Haines made motion to amend the overall definition to include Photography Studio to the list of recreation commercial indoor uses.

Matt Happel seconded.

Motion passed unanimously.

Debbie Riddle asked Henry for clarification about not allowing a health club to have a swimming pool within the Village District. She noted codes could regulate the size of swimming pools within the Historic District.

Henry Laird did not see need to exclude because the building size is so limited.

Debbie Riddle made motion to amend the indoor use section to exclude swimming pool from list of excluded for indoor use within the Village District.

Rick Owens seconded.

Amendment passed by a majority.

Debbie Riddle, Jimmy Alexander, Frank Wilson, Matt Happel, Bob Haines and Rick Owens voted for amendment and Larry Gardner abstained.

Frank Wilson made motion to accept changes with the amendment to exclude swimming pool from list of excluded indoor uses and to include photography studio in the list of recreational commercial indoor uses within the Village District.

Motion passes unanimously.

3. Amendment on second/third floor residential uses in commercial districts with conditions

Under the current Village District codes 2nd and 3rd floor residences are presently not permitted. However, 2nd and 3rd floor residences are permitted in the CS district but there are no conditions in place.

We would like to come up with conditions for the CS area and to authorize 2nd and 3rd floor residence with conditions

Conditions for 2nd and 3rd floor residential units are:

- No more than 2 residential units per property
- Outside access from a rear or side door.
- 2 parking spaces per residential unit in addition to commercial parking spaces.
- Separate bath and kitchen areas
- Minimum 600sq feet size
- Improved sewer connections
- Meet all applicable building and fire codes including sprinkler systems
- Site plan approval must be made by Planning Commission, Historic Zoning Commission
- If the building is a new structure then the site plan must be approved by the Design Review Committee
- Residential units will be allowed in the Village and CS District only except under an approved planning commercial district.

Rick Owens made a motion to approve the proposal recommendations for 2nd and 3rd floor residential uses in commercial and residential property within the Village District.

Bob Haines seconded.

Jimmy Alexander noted that under item C it discusses parking spaces and he wanted to clarify that each residential unit would need 2 parking spaces per residential unit.

Matt Happel 2.3.2 item "C" should be amended to add "each residential unit..." and "in addition to commercial space required."

Frank Wilson seconded.

The amendment was approved unanimously.

4. Proposed Land Use Policy Plan Amendment Procedure

Henry Laird presented the recommendation to implement a process or procedure for making changes to the Land Use Policy Plan.
Bob Haines suggested that the 1st paragraph "A" be amended to add "and on town website." Also Bob Haines recommended adding "signage" as a means to notify residents of public hearings.

Jimmy Alexander said that he thought it was a great idea to have this procedure. He also stated that he thought that adding a very high fee to change the Land Use Policy would prevent abuse of the procedure. He said that he would like to see the Town Planner have the authority to determine early on in the procedure if the proposal had any validity. If the proposal is determined to have no validity the Town Planner should have the ability to deny proposal. This would prevent spending staff time and money on unwarranted amendment proposals. Frank Wilson noted that he would like this to go on the agenda for next month. Frank Wilson made motion to defer for next month. Rick Owens seconded. The deferment was approved unanimously.

D. Agenda Item VI- Old Business

1. Report on consideration of building code revision for demolition in historic district.

Henry Laird explained this noting after review he did not feel this was necessary to change code. Henry Laird asked that the Planning Commission hold off on this. He asked that we withdraw it at this time.

Larry Gardner made motion that this be tabled indefinitely

Frank Wilson seconded.

Motion is approved unanimously.

Agenda Item VII- Other Business

1. Monthly Bond Report

Richard Woodroof went over the report and he stated that Bent Creek has asked for the performance bond to be reduced.

Richard Woodroof recommended that it be reduced to maintenance bond.

Cowan road has been topped.

Bob-what is the difference between a performance bond and a maintenance bond.

Richard Woodroof-performance bond is for performance of work; maintenance bond is for maintenance of job performed.

Bob-you may want to defer,

Matt Happel made motion to defer.

Larry Gardner seconded.

Motion to defer Bond Report was approved unanimously.

Agenda Item VIII- Adjournment

Being no further business to come before the Planning Commission the meeting was adjourned at 9:26 P.M.

Larry Gardner
Secretary for the Planning Commission

Date